

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RECEIVED

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DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

DANIEL ARMENDARIZ, #313909,	)	
Plaintiff,	)	
V.	)	CIVIL ACTION NO.:
COMMISSIONER DUNN, et al.,	)	2:19-cv-1046-MHT-CSC
Defendants.	)	
	)	
	)	

**MOTION FOR APPOINTMENT OF COUNSEL**

Pursuant to 28 U.S.C. §1915(e) (1) I move for an order appointing counsel to represent me in this case. In support of this motion, I state:

1. I' am unable to afford counsel, I have requested leave to proceed in forma pauperis.
2. The issues involved in this case are complex and will require significant research and investigation. I have limited knowledge of the law.

3. A trial in this case will likely involve conflicting testimony, and counsel would better enable me to present evidence and cross examine witnesses.
4. I have alleged that Wexford Health Sources policy collegial review created deliberate indifference to my serious medical need. Depositions are required by employees that were not named in the civil action.
5. Although I' m no longer incarcerated I have no driver's license, no transportation and live at a halfway house.
6. I have made repeated efforts to obtain a lawyer while I was in prison and talked to numerous attorneys that were within walking distance. Their response has been that the cost to litigate the case would be far more than what I Have demanded.
7. I have attached letters that I received from attorneys while I was in prison with this motion.

Respectfully submitted,

04-02-2022

DATED

Daniel Armendariz

DANIEL ARMENDARIZ, pro se  
1616 5<sup>th</sup> Ave. North  
Bessemer, Al 35020  
Phone: 902-916-8902  
Email: Armendarizd755@gmail.com

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 02 day of April, 2022.

Caused a true and correct copy of the foregoing to be served upon the defendants by placing the same in the U.S. mail, postage prepaid and addressed as followed:

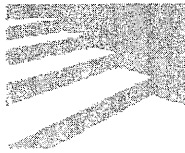
Attorney General  
501 Washington Ave.  
Montgomery, Al 36130

Webster Henry, P.C.  
Two Perimeter Park S.  
Suite 445 E.  
Birmingham, Al 35243

Herndon Law P.C.  
1430 I-85 Parkway, Suite 234  
Montgomery, Al 36106

  
DANIEL ARMENDARIZ, pro se

**SOUTHERN  
CENTER FOR  
HUMAN  
RIGHTS**



83 Poplar Street NW  
Atlanta, GA 30303  
Ph: 404.688.1202  
F: 404.688.9440

August 13, 2019

Daniel Armendariz (Prison ID #313909 C2-75B)  
Elmore Correctional Facility  
P.O. Box 8  
Elmore, AL 36025

Dear Mr. Armendariz,

We received your letter seeking assistance. I am so sorry to hear of your recent assault. The Southern Center for Human Rights is a non-profit public interest law office. We provide legal representation to people facing the death penalty, challenge patterns of human rights violations in prisons and jails affecting large groups of people, seek through litigation and advocacy to improve legal representation for poor people accused of crimes, and advocate for criminal justice reform in Georgia and Alabama.

We have a small legal staff responding to requests for assistance from people in jail and prison throughout Georgia and Alabama. We receive about 100 requests for assistance per week.

Due to our existing case obligations and the scope and focus of our work, we cannot represent you or provide you with specific legal advice. Please find enclosed some general information that may be helpful. I am also returning the affidavit you provided. I have made a copy for our records. Additionally, I have included an assault report form that you may complete and return to us. This will help us keep track of violence incidents in the prison and may inform future investigations and litigation. We wish you all the best.

Sincerely,

Caitlin Childs  
Investigator

***Charles Clyde Tatum, Jr. P.C.***  
ATTORNEYS AT LAW

**CHARLES CLYDE TATUM, JR.**  
**SETH L. DIAMOND**

**P. O. Box 349**  
**105 19<sup>th</sup> Street West**  
**Jasper, Alabama 35502**  
**Ph: (205) 387-0708 · Fax (205) 265-2920**

**Sent Via US Mail**

Daniel Armendariz  
AIS # 313909  
North AL CBF/CWC J-134A  
1401 Highway 20 W.  
Decatur, AL 35601

April 23, 2021

**RE: Armendariz v. ADOC et al.**  
**2:19-cv-1046-MHT-CSC**

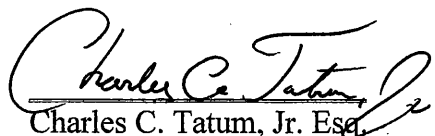
Dear Daniel:

You recently contacted me and requested that I consider representing you in the above referenced matter. I appreciate the confidence you have expressed in me, and I have taken an opportunity to review the information you provided, as well as the case history, pleadings, motions, exhibits, and orders that have been filed thus far with the US District Court for the Middle District of Alabama.

For various reasons, I have decided that I will be unable to represent you in this matter. In declining to accept your matter, I am not expressing an opinion as to the merits of your case and I strongly recommend that you immediately contact another attorney regarding this matter.

Thank you for contacting us. If you require legal services in the future, I hope you will consider me again.

Sincerely Yours,

  
Charles C. Tatum, Jr. Esq.



**ALABAMA**LAW  
THE UNIVERSITY OF ALABAMA  
Clinical Programs

August 2, 2021

Daniel Armendariz #313909  
North AL CWC  
1401 Highway 20 W.  
Decatur, AL 35601

**Re:    *Application for Legal Services***

Dear Mr. Armendariz:

Thank you for contacting the University of Alabama School of Law, Civil Law Clinic. Unfortunately, the Civil Law Clinic does not assist with 1983 cases. However, after reviewing your case file, I suggest you contact U.S. Attorney's Office in Northern District of Alabama. That District Attorney's office is currently conducting an investigation into Alabama Prisons for Men.

The investigation focuses on whether prisoners are adequately protected from physical harm and sexual abuse at the hands of other prisoners; whether prisoners are adequately protected from use of excessive force and staff sexual abuse by correctional officers; and whether the prisons provide sanitary, secure, and safe living conditions. From my brief review of your case, it seems as though the investigation would include the issues you brought up in your complaint.

The District Attorney has offices in Birmingham and Huntsville:

1801 4<sup>th</sup> Avenue North  
Birmingham, AL 35203

and

400 Meridian Street, Suite 304  
Huntsville, AL 35801

I understand that this is not the outcome you had hoped for. But I hope the District Attorney's office will be better able to assist you.

Very truly yours,

Civil Law Clinic



November 1, 2021

**PERSONAL & CONFIDENTIAL**  
**VIA CERTIFIED MAIL**

Daniel Armendariz  
AIS# 313909  
North AL CWC  
1401 Highway 20 W  
Decatur, Alabama 35601

Re: Potential Claim

Dear Mr. Armendariz:

I have reviewed the information the correspondence dated Oct. 17, 2021, you provided our office concerning Civil Action No. 2:19-CV-1046-WHA.

The purpose of this letter is to advise you that the law firm of Marsh, Rickard & Bryan, will not be able to assist in this matter. Therefore, **no further action will be taken by our firm.**

You may wish to contact the Alabama State Bar Association 334-269-1515, as they may be able to refer you to an attorney that can assist you.

I have enclosed the postage stamp you were kind enough to provide.

Thank you for contacting our firm.

Yours truly,

A handwritten signature in black ink that reads "Susan J. Silvernail". The signature is written in a cursive, flowing style.

Susan J. Silvernail  
Managing Partner

/sf  
Enclosure

**MARSH RICKARD BRYAN, P.C., Attorneys at Law**



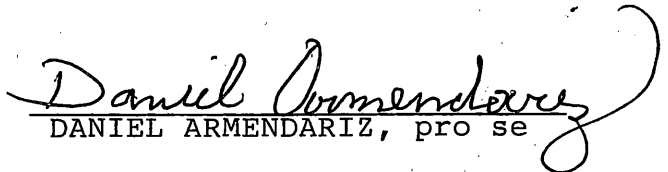
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501 Washington Ave.  
Montgomery, Al 36130

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Two Perimeter park S.,  
Suite 445 E.  
Birmingham, Al 35243

Herndon Law P.C.  
1430 I-85 Parkway, Suite 234  
Montgomery, Al 36106

  
DANIEL ARMENDARIZ, pro se



Daniel Aranda  
1616 5th Ave. North  
Bessemer, AL 35020

Case 2:09-cv-01046-MHT-CSC Document 174 Filed 04/11/22 Page 10 of 10



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United States District Court  
Att: Debra Hackett  
One Church St., Suite B-110  
Montgomery, AL 36104

